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as the power is exercised the federal regulations supersede state laws inconsistent therewith. U. S. Const. art. 1, secs. 2, 4, amendment 17; (1902) 53 L. R. A. 660, 663 note. A state statute providing for voting by soldiers on active service has been considered valid by the House of Representatives in the case of an election of a member thereto, while the same statute was held unconstitutional by the state court as to the election of a state officer. *People v. Blodgett* (1865) 13 Mich. 127; *Baldwin v. Trowbridge* (1866) 2 Bart. Cont. Elec. Cas. 46 (in the thirty-ninth Congress) with respect to election under Mich. Laws, 1864, no. 21. The validity of a state statute providing that absentees from their place of residence may vote for state officers is obviously ascertained in any given case by the provisions of the state constitution. *Jenkins v. Board of Elections* (1920) 180 N. C. 169, 104 S. E. 346; *Opinion to the Governor* (1918) 41 R. I. 118, 102 Atl. 913; *Stranghan v. Meyers* (1916) 268 Mo. 580, 187 S. W. 1159.

CONTRACTS—GAMBLING—RECOVERY OF MONEY PAID BY CHECK.—The plaintiff, having lost his wager on a horse race, gave his check to the defendant bookmaker, who endorsed the check in blank and handed it to his bankers for collection. It was presented to the plaintiff's bank and paid. The plaintiff then brought suit under the Gaming Act (1835) 5 & 6 Wm. IV, c. 41, sec. 2, which allowed the drawer of a bill given in payment of a gambling debt to recover from the payee the money paid to a holder of it. *Held*, that the plaintiff should recover. *Sutters v. Briggs* (1921, H. L.) 38 T. L. R. 30.

Negotiable paper given in payment of a gambling debt is invalid as between the original parties because the consideration is illegal. Anson, *Contract* (Corbin's ed. 1919) 311. A holder in due course may collect on such security, however, in the absence of statutes making it absolutely void. *Fitch v. Jones* (1855, Q. B.) 5 El. & Bl. 238; *Wilson v. National Fowler Bank* (1911) 47 Ind. App. 689, 95 N. E. 269. And the maker thus compelled to pay the holder cannot recover from the payee. *Haynes v. Rudd* (1880) 83 N. Y. 251. If the loser in a gambling transaction voluntarily pays the winner, he cannot recover the payment at common law because he is in *pari delicto*. *Thistlewood v. Cracroft* (1813, K. B.) 1 Ma. & Sel. 500; *Davies & Co. v. Porter* (1918, C. C. A. 8th) 248 Fed. 397. Statutes in many states allow a recovery, however. Stimson, *American Statute Law* (1886) sec. 4132; see Gaming Act (1710) 9 Anne, c. 14 repealed by Gaming Act (1845) 8 & 9 Vict. c. 109, sec. 15. Under the Gaming Act (1835) 5 & 6 Wm. IV, c. 41, which allowed a holder for value without notice to collect a security given in gambling transactions, the maker could recover the money paid to the holder from the person to whom he originally gave such paper. It would seem that the maker could only recover payments made to such holders as could compel him to pay. *Nicholls v. Evans* [1914] 1 K. B. 118; see *Lynn v. Bell* (1876) 10 Ir. R. C. L. 487; see *Hyams v. Stuart King* [1908, C. A.] 2 K. B. 696, 714. "Holder," as ordinarily used, means, however, any bearer and includes the payee or his agent for collection. Chalmers, *Bills of Exchange* (8th ed. 1919) 5. The absence of any limitations in the statute on the sort of holder intended, and the inability of the drawer or his bank to know whether the person presenting the check is a holder in due course or not, led the court in the instant case to adopt this construction of the term "holder" in the statute and to allow the maker of a check to recover money paid to any "holder." The court affirmed the decisions in other recent cases which have tended toward the same conclusion. *Golding v. Bradlaw* [1919] 2 K. B. 238; *Dey v. Mayo* [1920, C. A.] 2 K. B. 346. Thus the courts have created the peculiar anomaly in England that a loser may recover his gambling wagers paid by check but not those paid in cash. To remedy the situation a bill has already been passed by the House of Lords repealing this section of the statute. See (1921) 66 SOL. JOUR. 56.